

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10539092
Filing Date	2005-06-15
First Named Inventor	Robert Petermann
Art Unit	1723
Examiner Name	Unknown
Attorney Docket Number	112701-626

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☒ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Robert M. Barrett/	Date (YYYY-MM-DD)	2006-04-14
Name/Print	Robert M. Barrett	Registration Number	30142

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/N.D./	1	4303692		1981-12-01	Gaul	

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
/N.D./	1	WO9631130	WO		1996-10-10			<input type="checkbox"/>
/N.D./	2	WO9625054	WO		1996-08-22			<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/N.D./	1	Brunser et al., "EFFECT OF AN ACIDIFIED MILK ON DIARRHOEA AND THE CARRIER STATE IN INFANTS OF LOW SOCIO-ECONOMIC STRATUM," Biosciences Information Service, Acta Paediatr Scand, vol. 78, no. 2, 1989, pgs. 259-264, XP002230476 ISSN: 0001-656X	<input type="checkbox"/>
/N.D./	2	"17th International Congress of Nutrition," Modern Aspects of Nutrition - Present Knowledge and Future Perspectives, Vienna, Austria, August 27-31, 2001, 1 page, XP-002230474.	<input type="checkbox"/>
/N.D./	3	"Lactobacillus," Internet Article-Flora-Balance.com, from "Probiotic-Lactic Acid Bacteria" Townsend Letter for Doctors and Patients #147, p. 89-91 B. Gandhi Phd, 1 page.	<input type="checkbox"/>
/N.D./	4	Copy of International Search Report - 2 pages.	<input type="checkbox"/>
/N.D./	5	Copy of Preliminary Examination Report - 5 pages.	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	/Nikki Dees/	Date Considered	11/09/2007
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Petermann et al.
Appl. No.: 10/539,092
Conf. No.: 9222
Filed: June 15, 2005
Title: CHEMICALLY ACIDIFIED FORMULA
Art Unit: 1723
Examiner: Unknown
Docket No.: 112701-626

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 37 C.F.R. 1.97, and 37 C.F.R. 1.98, Applicants request that a citation and examination of the references cited on the attached PTO-1449 form be made during the course of examination of the above-identified application for United States patent. Pursuant to 37 C.F.R. 1.98, copies of all foreign patent documents and non-patent documents are enclosed.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No. 29157

Dated: April 14, 2006